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EXAMINER

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ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/823,534

Applicant(s)
Johnson, Jerome D.

Examiner
Laura H. Pluta

Group Art Unit
2761



☒ Responsive to communication(s) filed on Mar 16, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1 and 30-55 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1 and 30-55 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girouard et al. (4,982,346) in view of Lockwood et al. (4,359,631).

As to claim 1:

Girouard et al. and Lockwood et al. disclose a computerized system for generating a customized, printed proposal to an individual customer for the individual customer's purchase of a product, the product being characterized by a variety of predetermined distinctive features and environments of product use which are of varying interest to different potential customers who may purchase the product, the customized, printed proposal generated by the system being characterized by pictures and text representative of individualized features and environments which are of particular interest to the individual customer who is to receive the proposal, the system comprising (Girouard et al., col. 1, lines 20-44; Lockwood et al. col. 1, lines 46-68, col. 2, lines 1-14):

Girouard et al. disclose :

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(a) database means (database files, Fig. 11, item 164, col. 5, lines 6-7), comprising at least one database (product database file, Fig. 11, col. 7, lines 32-40) for storing a plurality of pictures and text related to the product features and environments (product name, product image, col. 7, lines 32-40), the database means comprising:

(i) product picture database means for storing a plurality of predetermined product pictures wherein each picture is related to a distinctive product feature and benefit (product database file, Fig. 11, col. 7, lines 32-40), the plurality of predetermined product pictures being of varying interest to different potential customers who may purchase the product (product name, product image, col. 7, lines 32-40, col. 8, lines, 40-58);

(iii) product text database means for storing a plurality of predetermined product text segments related to distinctive product features (product database file, Fig. 11, col. 7, lines 32-40), the plurality of predetermined product text segments being of varying interest to different potential customers who may purchase the product (product name, product image, col. 7, lines 32-40, col. 8, lines, 40-58);

(b) user interface means for presenting a series of predetermined queries related to the varying interests of the different potential customers (survey, col. 8, lines 21-39), the user interface means comprising input means for selectively inputting (touchscreen, keyboard, Fig. 1, items 28, 30, col. 11, lines 38-58) predetermined answers to the predetermined queries (question file, questions, multiple answers, col. 8, lines 21-39), the predetermined answers corresponding to the individual customer who is to receive the proposal (col. 17, lines 5-36, col. 19, lines 6-51).

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However, while Girouard et al. discloses various databases (Girouard et al. col. 5, lines 6-14), printing means (Girouard et al., printer, col. 4, lines 64-68, col. 5, lines 1-2), and linking means for linking the predetermined answers with predetermined pictures (Girouard et al., col. 7, lines 20-40), Lockwood et al. discloses an environment picture database and means for generating a customized printed proposal. Lockwood et al. disclose:

- (a) (ii) an environment picture database means for storing a plurality of predetermined environment pictures related to distinctive environments in which the product may be used, the plurality of predetermined environment pictures being of varying interest to different potential customers who may purchase the product (col. 1, lines 57-68, col. 2, lines 1-14, col. 5, lines 3-68); and
- (c) processing means (central processor, col. 4, lines 39-68) for generating the customized, printed proposal, the processing means comprising linking means for linking the predetermined answers with predetermined pictures related to the individualized features and environments which are of particular interest to the individual customer who is to receive the proposal (col. 3, lines 10-41, col. 4, lines 39-68, col. 5, lines 1-6, col. 6, lines 16-21, 56-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the printer means and database of Lockwood et al. in the system of Girouard et al. as providing target marketing in combination with audio-visuals can be used to motivate and influence a customer in promotions or sales (Lockwood et al., col. 1, lines 21-58).

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 30-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Lockwood et al. (4,359,631).

As to claim 30:

Lockwood et al. disclose a computer system assisted method of generating a customized visual output to facilitate a sale of a product, the computer system comprising one or more computers and storing product images, product environment images and text segments for integration into the customized visual output, the method comprising (col. 1, lines 46-68, col. 2, lines 1-14): prompting a user of the computer system with a plurality of questions related to at least one of a desired feature and desired use of the product (Figs. 9-10, col. 7, lines 10-66, col. 8, lines 39-50); receiving into the computer system answers to the plurality of questions (Figs. 9-10, col. 7, lines 10-66, col. 8, lines 39-50); automatically selecting, in response to at least one of the received answers, a product image, a product environment image and a text segment (col. 3, lines 10-41, col. 4, lines 39-68, col. 5, lines 1-6, col. 6, lines 16-21, 56-61); and integrating the selected product image, the selected product environment image and the selected text segment into a

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customized visual output (col. 3, lines 10-41, col. 4, lines 39-68, col. 5, lines 1-6, col. 6, lines 16-21, 56-61).

As to claim 31:

Lockwood et al. discloses the step of outputting the customized visual output (Lockwood et al., col. 3, lines 30-34, col. 6, lines 16-21).

As to claim 32:

Lockwood et al. disclose the step of outputting the customized visual output to a computer monitor for viewing by a user (Lockwood et al., col. 3, lines 11-30, col. 5, lines 49-68, col. 6, lines 16-21).

As to claim 33:

Lockwood et al. disclose the step of outputting the customized visual output comprises printing the output as a printed document (Lockwood et al., col. 3, lines 11-34, col. 6, lines 16-21, col. 7, lines 41-61).

As to claim 34:

Lockwood et al. disclose the step of outputting the customized visual output comprises the step of configuring the printed document as a printed proposal (Lockwood et al., col. 3, lines 11-34, col. 6, lines 16-21, col. 7, lines 41-61).

As to claim 35:

Lockwood et al. discloses a plurality of predetermined environment text segments related to environments in which the products may be used, the method further comprising the step of

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linking at least one of the customer answers with predetermined environment text (Lockwood et al., col. 7, lines 10-61).

As to claim 36;

Lockwood et al. disclose a method wherein the computer system stores a plurality of product specifications related to producing the products in a variety of configurations, the method further comprising the step of linking at least one of the customer answers with a product specification for inclusion in the customized visual output (Lockwood et al., col. 3, lines col. 4, lines 62-67, col. 7, lines 10-68, col. 8, lines 1-6, 39-50).

As to claim 37:

Lockwood et al. disclose a method wherein the computer system stores a plurality of performance specifications related to performance of the products in a variety of configurations, the method further comprising the step of linking at least one of the customer answers with a performance specification for inclusion in the customized visual output (Lockwood et al., col. 3, lines col. 4, lines 62-67, col. 7, lines 10-68, col. 8, lines 1-6, 39-50).

As to claim 38:

Lockwood et al. discloses a method further comprising the steps of: presenting a series of predetermined queries related to financing a product (requesting information, col. 7, lines 41-68, col. 8, lines 1-6, 48-50); receiving individualized answers to the predetermined queries (received, col. 7, lines 41-61, col. 8, lines 39-50); and generating, for inclusion in the visual output, financing information related to the product (displayed, col. 7, lines 41-68, col. 8, lines 1-50).

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As to claim 39:

Lockwood et al. disclose a computer system of one of more computers (computer, Fig. 8, items 30, 42) for generating a customized visual output to facilitate a sale of a product (Figs. 9-10, col. 1, lines 57-68, col. 2, lines 5-15), the system comprising: a memory system (data sources, Fig. 7, item 26), storing product images, product environment images and text segments (Figs. 9-10, col. 5, lines 19-65); a user interface (input interface, col. 2, lines 65-68) provided to prompt a user of the computer system with a plurality of questions related to at least one feature and desired use of the product and to input answers to the plurality of questions (Figs. 9-10, col. 7, lines 41-61, col. 8, lines 39-50); and a processor system (process, Fig. 7, item 30), coupled to the memory systems (data sources, Fig. 7, item 26) and the user interface (input interface, col. 2, lines 65-68), wherein the processor automatically selects, in response to at least one of the input answers, a product image, a product environment image and a text segment and integrates the selected product image, the selected product environment image and the text segment into a customized visual output (Figs. 9-10, col. 1, lines 57-68, col. 3, lines 10-34, col. 5, lines 29-64, col. 7, lines 41-66).

As to claim 40:

Lockwood et al. discloses the user interface provides for visual output of the customized visual output (col. 3, lines 30-34, col. 6, lines 16-21).

As to claim 41:

Lockwood et al. disclose a printer for printing the customized visual output as a printed document (col. 3, lines 11-34, col. 6, lines 16-21, col. 7, lines 41-61).

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As to claim 42:

Lockwood et al. disclose the processor configures the printed customized visual output as a proposal (col. 3, lines 11-34, col. 4, lines 39-68, col. 6, lines 16-21, col. 7, lines 41-61).

As to claim 43:

Lockwood et al. disclose the system wherein: the memory system further stores a plurality of predetermined environment text segments related to environments in which the products may be used; and the processor links at least one of the customer answers with predetermined environment text (col. 7, lines 10-61).

As to claim 44:

Lockwood et al. disclose the system wherein the memory further stores a plurality of predetermined product specifications related to producing the products in a variety of configurations; and the processor links at least one of the customer answers with a product specification for inclusion in the customized visual output (col. 3, lines col. 4, lines 62-67, col. 7, lines 10-68, col. 8, lines 1-6, 39-50).

As to claim 45:

Lockwood et al. disclose the system wherein: the memory further stores a plurality of predetermined performance specifications related to performance of the products in a variety of configurations; and the processor links at least one of the customer answers with a performance specification for inclusion in the customized visual output (col. 3, lines col. 4, lines 62-67, col. 7, lines 10-68, col. 8, lines 1-6, 39-50).

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As to claim 46:

Lockwood et al. discloses a computer readable medium tangibly embodying instructions, which, when executed as a process by a computer system of one or more computers, comprises the steps of: prompting a user of the computer system with a plurality of questions related to at least one of a plurality of desired features and desired uses of the product (Figs. 9-10, col. 1, lines 46-68, col. 2, lines 1-14, col. 3, lines 10-24, col. 4, lines 62-67, col. 7, lines 41-61, col. 8, lines 39-50); receiving into the computer system answers to the plurality of questions (Figs. 9-10, col. 1, lines 46-68, col. 2, lines 1-14, col. 3, lines 10-24, col. 4, lines 62-67, col. 7, lines 41-61, col. 8, lines 39-50); automatically selecting, in response to at least one of the received answers, a product image, a product environment image and a text segment (Figs. 9-10, col. 1, lines 46-68, col. 2, lines 1-14, col. 3, lines 10-24, col. 4, lines 62-67, col. 7, lines 41-61, col. 8, lines 39-50); and integrating the selected product image, the selected product environment image and the selected text segment into a customized visual output (Figs. 9-10, col. 1, lines 46-68, col. 2, lines 1-14, col. 3, lines 10-24, col. 4, lines 62-67, col. 7, lines 41-61, col. 8, lines 39-50).

As to claim 47:

Lockwood et al. disclose a computer readable medium wherein the embodied instructions, when executed by the computer system, further instructs the computer system to carry out the steps of outputting the customized visual output (col. 3, lines 11-34, col. 6, lines 16-21, col. 7, lines 41-61).

As to claim 48:

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Lockwood et al. disclose a computer readable medium wherein the embodied instructions, when executed by the computer system, further instructs the computer system to carry out the step of outputting the customized visual output to a computer monitor for viewing by a user (col. 3, lines 30-34, col. 6, lines 16-21).

As to claim 49:

Lockwood et al. disclose a computer readable medium wherein the embodied instructions to output the customized visual output further instructs the computer system to carry out the step of printing the output as a printed document (col. 3, lines 11-34, col. 6, lines 16-21, col. 7, lines 41-61).

As to claim 50:

Lockwood et al. disclose a computer readable medium wherein the embodied instructions further instruct the computer system to configure the printed document as a printed proposal (col. 3, lines 11-34, col. 6, lines 16-21, col. 7, lines 41-61).

As to claim 51:

Lockwood et al. disclose a computer readable medium wherein the embodied instructions further instruct the computer system to implement process steps comprising: storing a plurality of predetermined environment text segments related to environments in which the products may be used; and linking at least one of the customer answers with predetermined environment text (col. 7, lines 10-61).

As to claim 52:

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Lockwood et al. disclose a computer readable medium wherein the embodied instructions further instruct the computer system to implement process steps comprising: storing a plurality of product specifications related to producing the products in a variety of configurations; and linking at least one of the customer answers with a product specification for inclusion in the customized visual output (col. 3, lines col. 4, lines 62-67, col. 7, lines 10-68, col. 8, lines 1-6, 39-50).

As to claim 53:

Lockwood et al. disclose a computer readable medium wherein the embodied instructions further instruct the computer system to implement process steps comprising: storing a plurality of performance specifications related to performance of the products in a variety of configurations; and linking at least one of the customer answers with a performance specification for inclusion in the customized visual output (col. 3, lines col. 4, lines 62-67, col. 7, lines 10-68, col. 8, lines 1-6, 39-50).

As to claim 54:

Lockwood et al. discloses a computer readable medium wherein the embodied instructions further instruct the computer system to implement process steps comprising: presenting a series of predetermined queries related to financing a product (requesting information, col. 7, lines 41-68, col. 8, lines 1-6, 48-50); receiving individualized answers to the predetermined queries (received, col. 7, lines 41-61, col. 8, lines 39-50); and generating for inclusion in the visual output, financing information related to the product (displayed, col. 7, lines 41-68, col. 8, lines 1-50).

As to claim 55:


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Lockwood et al. disclose a computer system assisted method of generating a customized visual output to facilitate a sale of a ware offered for sale to a customer (col. 1, lines 56-68), the computer system storing ware images, ware environment images and text segments for integration into the customized visual output (col. 3, lines 10-34), the method comprising the steps of: prompting a user of the computer system with a plurality of questions relating to at least one of a desired feature and desired use of the ware (Figs. 9-10, col. 1, lines 46-68, col. 2, lines 1-14, col. 3, lines 10-24, col. 4, lines 62-67, col. 7, lines 41-61, col. 8, lines 39-50); receiving into the computer system answers to the plurality of questions; automatically selecting, in response to at least one of the received answers, a ware image, a ware environment image and a text segment (Figs. 9-10, col. 1, lines 46-68, col. 2, lines 1-14, col. 3, lines 10-24, col. 4, lines 62-67, col. 7, lines 41-61, col. 8, lines 39-50); and integrating the selected ware image, the selected ware environment image and the selected text segment into a customized visual output (Figs. 9-10, col. 1, lines 46-68, col. 2, lines 1-14, col. 3, lines 10-24, col. 4, lines 62-67, col. 7, lines 41-61, col. 8, lines 39-50).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura H. Pluta whose telephone number is (703) 305-0571. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emanuel Todd Voeltz, can be reached on (703) 305-9714. The fax phone number for this Group is (703) 308-9052.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



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November 9, 1998